HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22911 of 2006

Dated:06.11.2006

Between:

Kamala Bai Agarwal and another.

…Petitioner

and

Special Grade Deputy Collector and Revenue Divisional Officer and others.

…Respondents

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ORDER:

The two petitioners are aggrieved by the order of the first respondent dated 13.09.2006. By the said order, the first respondent while taking the appeal filed by respondents 3 to 11 under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), against the proceedings of the Mandal Revenue Officer, dated 07.02.1990, granting mutation in favour of the petitioners' vendor in respect of the land admeasuring Acs.12.21 guntas in Survey No.48 situated at Jalpally Village of Saroornagar Mandal in Ranga Reddy District, ordered *status quo* ante and posted the matter for hearing on 10.10.2006.

In this Writ Petition, *inter alia*, it is contended that the jurisdiction exercised by the first respondent under Section 5 of the Act after lapse of about sixteen years without there being an application to condone the delay is improper and illegal. Secondly, when the appeal itself was filed with an abnormal delay, ordering *status quo* ante is unreasonable. The Writ Petition is opposed mainly by the learned Counsel for respondents 3 to 11, Sri D.Govardhana Chary. He, however, does not dispute that all the questions raised by the petitioners herein can as well be considered by the first respondent at

the time of hearing the appeal.

Ordinarily at the stage of enquiry, this Court is not inclined to interfere in exercise of its writs jurisdiction. However, as the first respondent also ordered *status quo* ante, this Court observes that while ordering *status quo* as on today, the first respondent should decide the question of limitation as a preliminary issue before proceeding further. It shall be open to the petitioners as well as respondents 3 to 11 to place all the material before the first respondent when the preliminary issue is taken up for consideration. It shall be open to respondents 3 to 11 to file an application under Section 10(2) of the Act read with Section 5 of the Limitation Act, 1963.

The Writ Petition, with the above observations and directions, is accordingly disposed of at the admission stage. No costs.

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(V.V.S.RAO, J)

06.11.2006
vs